



Caperton Inc.
Strategy • Execution • Results

October 15, 2009

Clerk
US Bankruptcy Court
300 Virginia St E Room 3200
Charleston, WV 25301

FILED IN CHARLESTON
U.S. BANKRUPTCY COURT

OCT 19 2009

SOUTHERN DISTRICT
WEST VIRGINIA

In re: Case No. 5:08-bk-50215

F & N CONSTRUCTION, INC.,
a West Virginia corporation,
Debtor in Possession.

Chapter 11
Judge Ronald G. Pearson

**FIRST AND FINAL APPLICATION OF CAPERTON ENERGY CO. FOR
ALLOWANCE AND PAYMENT OF PROFESSIONAL FEES FOR THE PERIOD
SEPTEMBER 16, 2008 TO SEPTEMBER 23, 2009**

The attached Notice of Hearing makes reference to the application for "Fees: \$28,644.29" and "Expenses: \$17,218.95." In fact the Application consists of 2 invoices for said amounts and each invoice includes fees and expenses.

The accurate characterization of fees and expenses as reflected in the invoices themselves is as follows.

Invoice #2008-1201

Fees	\$28,457.88
Expenses	\$186.41

Invoice #2009-125

Fees	\$17,160.00
Expenses	\$58.95

This represents a total application request of Fees: \$45,617.88 and Expenses: \$245.36.

Sincerely,

Austin Caperton
President

UNITED STATES BANKRUPTCY COURT
Southern District of West Virginia

Room 3200
300 Virginia Street East
Charleston, WV 25301

Bankruptcy Proceeding No.: 5:08-bk-50215
Chapter: 11
Judge: Ronald G. Pearson

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

F&N Construction, Inc.
fka F&N Construction, LLC, fka Grayjack
Coal Corporation
407 Prosperity Road
Prosperity, WV 25909

Social Security No.:

Employer's Tax I.D. No.:
20-8241950

PLEASE TAKE NOTICE that a hearing will be held at

Bankruptcy Courtroom A, 6400 Robert C. Byrd U.S. Courthouse, 300 Virginia Street East, Charleston, WV
on 11/4/09 at 02:30 PM

to consider and act upon the following:

[497] First and Final Application by Consultant Austin Caperton for Compensation For the Period of: 9/16/2008 to 9/23/2009 in the Amount of Fees: \$28,644.29, Expenses: \$17,218.95

NOTICE IS FURTHER GIVEN that telephone notification, followed up with a written pleading, must be given to the Clerk's Office (347-3003) of settlements or requests to continue this matter at least three (3) business days prior to the above hearing date; otherwise counsel should make an appearance at the scheduled hearing.

Dated: 10/8/09

M. Jo Proops
Clerk, U.S. Bankruptcy Court

BY: Marty Reynolds
Deputy Clerk

ACTUAL FEES \$45,612.88

EXPS \$ 245.36